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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHARON REID,

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES, a
Foreign Limited Liability Company,

Defendants.

Case No.: 2:14-cv-02151-APG-CWH

**DEFENDANT PORTFOLIO
RECOVERY ASSOCIATES'
REQUEST FOR EXEMPTION FOR
INSURANCE CARRIER TO ATTEND
EARLY NEUTRAL EVALUATION
SESSION**

Defendant, Portfolio Recovery Associates, LLC ("Defendant" or "PRA"), by and through its undersigned counsel, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., hereby submits this request that Defendant's insurance carrier representative be exempted from attending the Early Neutral Evaluation Session ("ENE") in person and requests to be present telephonically for the duration of the ENE.

Pursuant to the Order Scheduling the ENE (Doc. 7), this case has been referred to the Honorable Cam Ferenbach, United States Magistrate Judge, to conduct an ENE in Las Vegas, Nevada on July 6, 2015 at 10:00 a.m. Pursuant to the Court's Order, where a party is subject to coverage by an insurance carrier, a representative of the insurance carrier, with authority to settle

the matter up to the full amount of the claim, must attend the ENE in addition to a party representative. Defendant is subject to coverage by an insurance carrier. However, Nathan Searles, Litigation Counsel for PRA Group, Inc., will be present at the July 6, 2015 ENE and has binding authority to settle this matter on behalf of Defendant.

In-person attendance by the insurance carrier is not necessary, as not having the claims representative present will not inhibit or limit the parties' ability to negotiate or reach a potential settlement because the retention threshold on the relevant insurance policy far exceeds the amount of Plaintiff's claims. Based upon the allegations contained in Plaintiff's Complaint, the economic damages in this case are less than the self-retention threshold. Although it is unclear what exactly constitutes the "full amount of the claim" at this time, it does not appear that the full amount of the claim will come close to the retention amount. Because the full amount of this claim will likely not reach the insurance retention threshold, to the extent a settlement is reached, the insurance carrier would not be responsible or obligated to contribute to any settlement. Accordingly, in-person attendance by an insurance representative is not necessary in this case.

Nathan Searles will be present at the ENE and have binding authority to settle this matter on behalf of Defendant. As such, Defendant believes that it would be unnecessary to have an insurance representative also be required to attend in-person and respectfully requests that the Court permit the same.

DATED this 19th day of June, 2015.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Erica J. Kelly

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IT IS SO ORDERED

UNITED STATES MAGISTRATE JUDGE

DATED: June 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the attached **DEFENDANT PORTFOLIO RECOVERY ASSOCIATES' REQUEST FOR EXEMPTION FOR INSURANCE CARRIER TO ATTEND EARLY NEUTRAL EVALUATION SESSION** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Ruth L. Cohen

Larry J. Weinstein

Pursuant to FRCP 5(b), I hereby further certify that service of the foregoing document was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, to the following:

Ruth L. Cohen
COHEN & PADDA, LLP
4240 W. Flamingo Rd., Suite 220
Las Vegas, NV 89103

Larry J. Weinstein
LARRY OFFICES OF LARRY J. WEINSTEEN, CHTD.
3225 McLeod Drive, Suite 100
Las Vegas, NV 89121

DATED this 19th day of June, 2015.

/s/ Carol Rojas

AN EMPLOYEE OF OGLETREE, DEAKINS,
NASH, SMOAK & STEWART, P.C.